

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROG PETROLIUM LLC,

Plaintiff,

- against-

MILLIE EXPORTS LTD.,

Defendant.

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**REPORT AND
RECOMMENDATION
CV-10-409 (SLT)**

GOLD, Magistrate Judge:

The above-captioned matter was filed with the Court on February 1, 2010 and an initial conference was scheduled for May 20, 2010. Neither party appeared for the conference and a further Order was issued on May 21, 2010 directing plaintiff's counsel to file a status report no later than May 27, 2010. My Order of May 21st explicitly alerted plaintiff that failure to comply would result in a recommendation that this be dismissed for failure to prosecute. To date the Court's records do not reflect that plaintiff has complied with the Court's May 27th Order, nor does it appear that plaintiff has taken any further action to prosecute this case.

Accordingly, I respectfully recommend that all claims in this action be dismissed for failure to prosecute unless plaintiff indicates that it intends to pursue this action within the time for filing objections to this Report and Recommendation.

Any objections to this Report and Recommendation must be filed within fourteen days and in any event no later than July 29, 2010. Failure to file objections within the specified time waives the right to appeal the District Court's Order. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 6(a), 6(e), 72; *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

SO ORDERED.

**Dated: July 12, 2010
Brooklyn, New York**

s/

**STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE**